

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

834467

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Attorneys for Wilmington Savings Fund Society, FSB, d/b/a
Christiana Trust, Not Individually But As Trustee For Pretium
Mortgage Acquisition Trust

In Re:

CHRISTINA VAN AN



Order Filed on May 28, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 17-34456 - MBK

Hearing Date: May 5, 2020

Judge: Michael B Kaplan

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: May 28, 2020

A handwritten signature in black ink, reading "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant: Wilmington Savings Fund Society, FSB, d/b/a christiana trust, not individually
but as trustee for pretium mortgage acquisition trust

Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC

Debtor's Counsel: William H. Oliver, Jr., Esquire

Property Involved ("Collateral"): 300 Church Road, Brick, NJ 08723

Relief sought: ☒ **Motion for relief from the automatic stay**
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for **6** months, from **December 1, 2019** to **May 1, 2020**.

☒ The Debtor is overdue for **6** payments at **\$1,672.24** per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☒ Applicant acknowledges suspense funds in the amount of **\$596.88**

Total Arrearages Due \$9,436.56.

2. Debtor must cure all post-petition arrearages, as follows:

☒ The Debtor shall cure post-petition arrears in the amount **\$9,436.56** by way of loan modification or a lump sum payment no later than by **July 15, 2020**;

☒ Any additional post-petition arrears to the secured creditor that will incur through and including **July 1, 2020** payment during pursuit of loss mitigation, shall also be cured in a manner as outlined in the prior paragraph of the within Order.

☒ The debtor shall continue making monthly adequate protection payments to the movant in the amount of **\$1,400.00** per month while pursuing loan modification.

☒ Secured Creditor agrees to complete a substantive review of the completed and full loss mitigation package submitted by the debtor and provide a response by **July 15, 2020**. Should Debtor fail to obtain Loan Modification or bring account post-petition current by **July 15, 2020**, secured creditor shall be allowed to re-list Motion for Relief for a hearing upon submitting written request to this court.

☒ Should Debtor succeed in securing loan modification with the secured creditor by **July 15, 2020**, the debtor shall resume making regular post-petition payments to the movant pursuant to terms and conditions of such modification.

☒ Should Debtor fail to obtain loan modification, but brings account current post-petition via lump sum payment through and including **July 1, 2020** payment, the Debtor shall resume making regular post-petition payments effective **August 1, 2020**.

☒ Should the Debtor fail to make any of the post- modification payments, or if any regular monthly mortgage payment commencing on **August 1, 2020** are more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Christina Van An
DebtorCase No. 17-34456-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: May 29, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 31, 2020.

db +Christina Van An, 300 Church Road, Brick, NJ 08723-6402

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 31, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 29, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Christopher Keith Baxter on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust
BKECF@mlg-defaultlaw.comDenise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Emmanuel J. Argentieri on behalf of Creditor US Bank, NA as Legal Title Trustee for Truman 2016 SC6 Title Trust bk@rgalegal.com

Harold N. Kaplan on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust hkaplan@rasnj.com, informationathnk@aol.com

Laura M. Egerman on behalf of Creditor Wilmington Savings Fund Society, FSB
bkyecf@rasflaw.com, bkyecf@rasflaw.com; legerman@rasnj.comRebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation
rsolarz@kmlawgroup.com

Robert Davidow on behalf of Creditor SELENE FINANCE LP AS SERVICER FOR WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST nj.bkecf@fedphe.com

Robert Davidow on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST nj.bkecf@fedphe.com

Sindi Mncina on behalf of Creditor Wilmington Savings Fund Society, FSB smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.govWilliam H. Oliver, Jr. on behalf of Debtor Christina Van An court docs@oliverandlegg.com,
R59915@notify.bestcase.com

TOTAL: 12